PETITION FOR ZONING VARIANCE SW/S Olivia Road & Olivia Court * ZONING COMMISSIONER (7156 Olivia Road) 15th Election District * OF BALTIMORE COUNTY 5th Councilmanic District * Case No. 89-445-A Allen Wayne Welk Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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The Petitioner herein requests a variance to permit an accessory structure (garage) to be located outside the third of the lot furthest removed from any street, and for said acce ory structure to have a height of 19 feet in lieu of the maximum 15 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. Appearing as Protestants in the matter were the following: Charles Lindemore, Donald J. McEvoy, Robin E. Hammer, and Mark B. Sudbrook.

Testimony indicated that the subject property, known as 7156 Olivia Road, consists of 4,180 sq.ft. zoned D.R. 5.5 and is improved with an existing single family dwelling. The subject property is located at the corner of Olivia Road at Clivia Court. Petitioner proposes constructing a detached garage in the east side yard approximately 15 feet from Olivia Court, directly across from the house at 4 Olivia Court. Mr. Welk testified he did not want to attach the garage to the existing dwelling because he plans to construct an addition on the same side of the dwelling where he has requested the instant variance. He testified the size of the garage proposed is necessary to provide storage space for the family's transportation and recreational vehicles as well as personal items.

The Protestants, all of whom are residents in the area, testified in opposition to the proposed garage. All of the Protestants indicated they were opposed to the size and location of the proposed garage. They believe it is too close to the street, too close to the adjoining property owner, and too big.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following: whether strict compliance with requirement would

unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; whether the grant would do substantial injustice to applicant as well as other property owners in the

applied for would give substantial relief; and whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

district or whether a lesser relaxation than that

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable har hip if the requested variance were denied. The testimony and evidence presented indicated the garage proposed is nearly as large, both in height and in width, as most of the houses in the development. The testimony presented by Petitioner was in support of a matter of preference rather than of the necessity for the variance. The Petitioner failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \(\frac{\sqrt{3}}{\triangle} \) day of May, 1989 that the Petition for Zoning Variance to permit an accessory structure (garage) to be located outside the third of the lot furthest removed from any street, and for said accessory structure to have a neight of 19 feet in lieu of the maximum 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Zoning Commissioner for Baltimore County

Date: 4.25.89

Dennis F. Rasmussen

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21304 (301) 887-3333 J. Robert Haines

May 23, 1989

apr 18, 1989

Mr. Allen W. Welk 7156 Olivia Road Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE SW/S Olivia Road and Olivia Court (7156 Olivia Road) 15th Election District - 5th Councilmanic District Allen W. Welk - Petitioner Case No. 89-445-A

Dear Mr. Welk:

JRH:bjs

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

J. ROBERT HAINES

Zoning Commissioner for Baltimore County

cc: Mr. Charles Lindemore 7152 Olivia Road, Baltimore, Md. 21220

Mr. Donald J. McEvoy 7154 Olivia Road, Baltimore, Md. 21220

Mr. Robin E. Hammer 4 Olivia Court, Baltimore, Md. 21220

Mr. Mark B. Sudbrook 7148 Olivia Road, Baltimore, Md. 21220

People's Counsel

PETITION FOR ZONING VARIANCE How 363
ING COMMISSIONER OF BALTIMORE COLUMNS TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 400.1 and 400.3 To allow an accessory structure to be located outside of the third of the lot furthest removed from any street with a height of 19 ft. in lieu of the maximum 15 ft., respectively
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the
following reasons: (indicate hardship or practical difficulty)

The unforseen return of my daughter has added the need for an additional bedroom on the East side of the house makeing it inpratical to build a gargage on the required location on the lot. I need the gargage for the storage of my AUTO,

SEEATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.	
Contract Purchaser:	Legal Owner(s):	MAP NE 7M
	Allen Wayne Welk	54
(Type or Print Name)	(Type or Print Name) Alls Wasse Wels	E.D. 15
Signature	Signature	DATE 1/20/90
Address	(Type or Print Name)	1000
City and State	Signature	DP
Attorney for Petitioner:		٠,
	DIEC 011-1- DD - 201 22E 710	oe ·

7156 Olivia RD. 301-335-7189 (Type or Print Name) Baltimore, MD. 21220 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Allen Wayne Welk City and State

of March, 1967, that the subject matter of this petition be advertised, as required by the Zoming Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING (-1/2) HOR THE CAT THE ACTION OF THE CONTROL OF THE CAT THE CAT THE CATTERNS OF THE C

ADDITION TO VAR ITEM # 363 I would Like to change maxium height from 15 feet to 19 feet so the pitch of the gargage root is the same as the house. This weald make the gargage tit into noigherhood a lot better.

ZONING DESCRIPTION

Located on the North side of Ebenezer RD, in the residential community known as Bay Country. Beginning on South side of Olivia RD. at corner of Olivia CT. Being known and designated Lot 32, Block D, as shown on the Plat entitled," New Plat II, Cunninghill Cove (E.H.K. JR. NO. 44 FOLIO 19)", which Plat is recorded amoung the land records of Baltimore County in PLAT BOOK E.H.K. JR. NO. 53 FOLIO 27. The improvements thereon being known as 7156 Olivia RD. A/ K/ A NO. 2 Olivia Court, in the 15th Election

89-445 A

363

PLEASE PRINT CLEARLY

7154 QIVIA Pd. BALTO, MA, 21220 4 Olivia Ct. BALT. MD 21220 Mark B. Sudbrook 7148 Olivia Rd. Balt. Md. 21220

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

Mr. Allen Wayne Welk

(15) minutes before your hearing is scheduled to begin.

7156 Olivia Road Baltimore, Maryland 21220 Petition for Zoning Variance CASE NUMBER: 89-445-A

SWS Olivia Road & Olivia Court 7156 Olivia Road 15th Election District - 5th Councilmanic Petitioner(s): Allen Wayne Welk HEARING SCHEDULED: WEDNESAY, MAY 10, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 79.37 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office unit1 the day of the hearing itself. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen

the sign & post set(s), there will be an additional BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION WISCELLANEOUS CASH RECEIPT 16 144 89

CERTIFICATE OF PUBLICATION NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published Petition for Zoning Variance Case number: 89-445-A SWS Olivia Road & Olivia in Towson, Baltimore County, Md., once in each of ____ successive 7156 Olivia Road 15th Election District 5th Councilmanic Petitioner(s): Allen Wayne Welk Hearing Date: Wednesday, May 10, 1989 at 2:00 p.m.

Variance: to allow an ac cessory structure to be located outside of the third of the lo with a height of 19 ft. in lieu of the maximum 15 ft. respectively. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Corr missioner will, however, entertai any request for a stay of the is-suance of said permit during this and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES

PO 10954 reg M 27146

ca 89-445-A

price \$ 39.40

NOTICE OF HEARING The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore County will hold a public hearing on

Uge Times

5. Zahe Orlin

County will hold a public hearing on
the property identified herein in Room
106 of the County Office Building, located at 111 W. Chesspeake Avenue in
Towson, Maryland as follows:
Petition for Zoning Variance
CASE NIMBER: 89-445-A
SWS Olivia Road
15th Election District — 5th Coun-Middle River, Md., Queil 13 1989 This is to Certify, That the annexed Ochter Week Ru, m 27145 Petitioner(s): Allen Wayne Welk
HEARING SCHEDULED: WEDNESDAY, MAY 10, 1989 at 2:00 Variance to allow an accessory structure to be located outside of the third of the lot furthest removed from of ______ weeks before the

was inserted in the Times, a newspaper printed and published in Baltimore County, once in each

any street with a height of 19 ft. in lies of the maximum 15 ft., respectively. a building permit may be isgranted, a building be in a superal su

mit during this period for good caus shown. Such request must be in writ-ing and received in this effice by the date of the hearing set above or pre-

ZONING DEPARTMENT OF BALTIMORE COUNTY 89-H45-A

Petitioner: Allon Moyne Welk

Location of property: 24 /s Olivio Rd. 4 Olivio Court

7156 Olivio Rd Location of Signs: Focing 1-1 tosse from of Divio Rd. + Dlivio Lt,

Legan 20' Fr. 400 duly on soperty of Rel. trons.

89-445- A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ____ day of _____, 1989 .

> 1 nn 1 - 11. T. ROBERT HAINES
> ZONING COMMISSIONER

Petitioner Allen Wayne Welk Petitioner's Attorney

Received by: <u>James R. Dyer</u> Chairman, Zoning Plans Advisory Committee

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

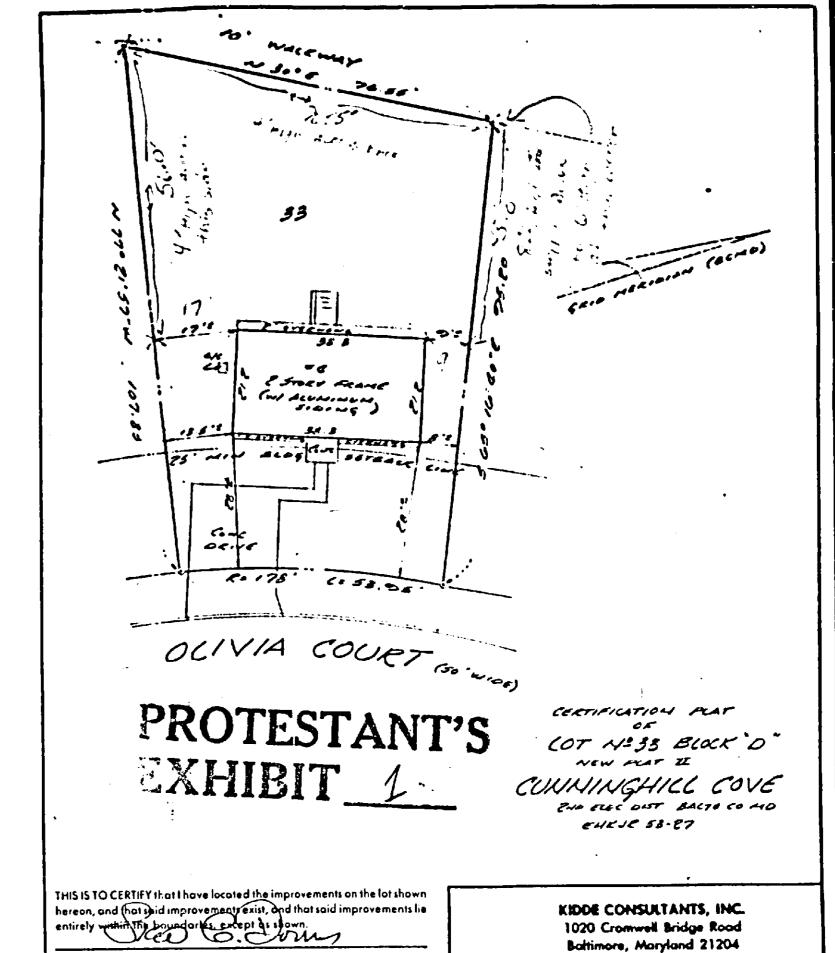
Petition for Zoning Variance CASE NUMBER: 89-445-A SWS Dlivia Road & Dlivia Court 7156 Olivia Road 15th Election District - 5th Councilmanic Petitioner(s): Allen Wayne Welk HEARING SCHEDULED: WEDNESAY, MAY 10, 1989 at 2:00 p.m.

Variance to allow an accessory structure to be located outside of the third of the lot furthest removed from any street with a height of 19 ft. in lieu of the maximum 15 ft., respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during t'... period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Baltimore County

PLAT FOR ZONING COMMINGHILL COVE SUBDITISION. NEW-NAME OWNER Allen Waynotte Plat Bay Country District 15 Lot 32 Blook 0
Zoned DRS.5 53 FOLTO \$377 Fristing Utilities in Olivia Rol Scale 1 = 30' Olivia RO. Existos EXISTING THE THE S VICINITY MAP



JOB NO - 1-83050

Per KIDDE CONSULTANTS, INC. THIS PLAT NOT INTENDED FOR USE IN THE ESTABLISHMENT OF PROPERTY LINES

Scole: 1"= 50"

Issued: 4/1/87 .

Rev. 9/77 E. 301

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.

Department of Traffic Engineering State Roads Commission Bureau of Fire Prevention Health Department Project Planning

Zoning Administration

Indu trial

7156 Olivia Road Baltimore, MD 21220

Dear Mr. Welk: Building Department Board of Education

Mr. Allen Wayne Welk RE: Item No. 363, Case No. 89-445-A

Petitioner: Allen Wayne Welk Petition for Zoning Variance

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

March 29, 1989



Mr. J. Robert Haines Zoning Commissioner ' County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 350, 352, 361, 362, 363, and 364.

Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

MSF/lvw



Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Allen Wayne Welk

Location: SW side Olivia Road and Olivia Court Intersection. Zoning Agenda: March 7, 1989 Item No.: 363

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ___ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

BALTIMORE COUNTY. MARYL

TO: J. Robert Haines Zoning Commissioner DATE: May 10, 1989

INTER-OFFICE CORRESPONDENCE

FROM: Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-445-A Item No. 363

Re: Allen W. Welk

The Petitioner requests a variance to allow placement of a garage other than where permitted on a corner lot and to allow the garage to be 19 feet high in lieu of the permitted 15 feet so that the pitch of the garage roof will match that of the house. In reference to this request, staff offers the following comment:

This office has no objection to the requested variances. However, a restriction should be placed in the Order prohibiting any living quarters, kitchen or bathroom facilities in the garage and limiting the storage to being the personal property of occupants of the principal dwelling only.

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